

MEMORIAL RESOLUTION

S.R. 118 - By Snelson: Memorial resolution for Dr. John LeRoy Waller.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 117 - By Doggett: Extending welcome to Reverend J. L. Houston.

S.R. 119 - By Parker: Extending congratulations to Michael D. Murphy and Miss Lou Miller.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:15 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

(August 2, 1978)

S.B. 10

FIFTEENTH DAY

(Thursday, August 3, 1978)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Aikin, Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Parker, Patman, Price, Schwartz, Snelson, Traeger, Truan, Williams.

Absent-excused: Mauzy, Ogg, Santiesteban.

A quorum was announced present.

The Reverend Walter Matthews, Associate Minister, First Baptist Church, Austin, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Ogg was granted leave of absence for today on account of important business on motion of Senator McKnight.

Senator Mauzy was granted leave of absence for today on account of important business on motion of Senator McKnight.

Senator Santiesteban was granted leave of absence for today on account of important business on motion of Senator Meier.

REPORT OF STANDING COMMITTEE

Senator Jones of Harris submitted the following report for the Committee on Administration:

H.C.R. 17
H.C.R. 15
H.C.R. 11
H.C.R. 8
S.C.R. 14

MESSAGE FROM THE HOUSE

House Chamber
August 3, 1978

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 13, Authorizing certain changes to be made in **H.B. 1** by conferees.

H.J.R. 1, A joint resolution proposing a constitutional amendment relating to ad valorem taxation of agricultural property, exemptions of certain property from taxation, limitations on increases in total property tax revenues, and limitations on state legislative appropriations and state taxation.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION ON FIRST READING

The following resolution was introduced, read first time and referred to the Committee indicated:

S.C.R. 15 by Schwartz Administration
Granting Servall Mechanical Contractors, Incorporated permission to sue the State of Texas.

GUEST PRESENTED

Senator Aikin presented to the Members of the Senate Dr. June Hyer, former parliamentarian of the Senate.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S.C.R. 2
S.C.R. 3
S.C.R. 5
S.C.R. 10
S.C.R. 12

**VOTE BY WHICH SENATE REFUSED TO CONCUR IN HOUSE
AMENDMENTS
TO SENATE CONCURRENT RESOLUTION 7 RECONSIDERED**

Senator Moore moved that the Senate reconsider the vote by which the Senate refused to concur in the House Amendments to **S.C.R. 7**.

The motion prevailed.

Question - Shall the Senate concur in the House amendments to **S.C.R. 7**?

Senator Moore moved that the Senate concur in the House amendments to **S.C.R. 7**.

The motion prevailed.

SENATE RESOLUTION 124

Senator Schwartz offered the following resolution:

WHEREAS, The cost of maintaining persons in prison is very high and continues to increase at an alarming rate; and

WHEREAS, Most people are released from prison and return to the community; and

WHEREAS, When they return to the community they often have no job or skills, and have lost contact with their families and society; and

WHEREAS, This loss of community contact may make integration into society more difficult for them than it was prior to their incarceration; and

WHEREAS, This isolation from the community may be a cause of recidivism; and

WHEREAS, Community based programs and facilities offer an opportunity to reduce recidivism by showing nonviolent offenders that they can work, return home each evening, pay for their room and board, support their families; and

WHEREAS, Community based programs and facilities may save money for the taxpayers by lower unreimbursed operational costs, fewer families of prisoners on welfare, lower recidivism, and fewer commitments to the state prisons; and

WHEREAS, Several other states are utilizing community based programs and facilities with encouraging results; now, therefore, be it

RESOLVED, That the Senate Jurisprudence Committee of the Texas Senate, or a subcommittee thereof appointed by its chairman, study the advisability of

establishing community based programs and facilities in this State as an additional alternative to incarceration in the state prison; and be further

RESOLVED, That the committee report its findings and recommendations to the Senate for the 66th Session of the Texas Legislature.

The resolution was read and adopted.

EXECUTIVE SESSION

The President announced that the time had arrived for an Executive Session of the Senate. (Senator McKnight having given notice on yesterday).

Accordingly, the President at 10:42 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order as In Legislative Session at 10:59 o'clock a.m. today.

Senator McKnight moved confirmation of the nominees reported by the Committee on State Affairs, Subcommittee on Nominations and considered in Executive Session.

The President asked if there were motions to sever nominees.

There were no motions offered.

The nominees were confirmed by the following vote: Yeas 28, Nays 0.

Absent-excused: Mauzy, Ogg, Santiesteban.

NOMINEES CONFIRMED

To be Members of the TEXAS REAL ESTATE COMMISSION: SAM FELDT, Harris County; BILL SENTER, Taylor County.

To be Members of the TEXAS AERONAUTICS COMMISSION: JAMES D. ABRAMS, El Paso County; C. T. MATTHEW, Lavaca County.

To be Members of the TEXAS MOTOR VEHICLE COMMISSION: GORDON BAILEY, Tarrant County; DAN BOONE, Harris County.

To be Members of the STATEWIDE HEALTH COORDINATING COUNCIL: DR. JOSE SAN MARTIN III, Bexar County; DR. LOUIS E. GIBSON, Navarro County.

To be a Member of the BOARD OF REGENTS OF LAMAR UNIVERSITY: HUBERT OXFORD III, Jefferson County.

To be a Member of the BOARD OF TRUSTEES OF THE TEACHER RETIREMENT SYSTEM: HENRY M. BELL, JR., Smith County.

To be a Member of the TEXAS SURPLUS PROPERTY AGENCY: C. A. ROBERSON, Tarrant County.

To be a Member of the DISTRICT REVIEW COMMITTEE: DR. ROBERT MAYO TENERY, SR., Ellis County.

To be a Member of the TEXAS STATE BOARD OF PODIATRY EXAMINERS: DR. ROGER L. BUEHLER, Dallas County.

To be JUDGE OF THE 305TH JUDICIAL DISTRICT: PAT McCLUNG, Dallas County.

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House, was read the first time and referred to the Committee indicated:

H.J.R. 1, To Committee on Finance.

HOUSE CONCURRENT RESOLUTION 8 ON SECOND READING

On motion of Senator Moore and by unanimous consent, all necessary rules were suspended to take up for consideration at this time on its second reading:

H.C.R. 8, Granting permission to Russell K. Carr and Vera M. Carr to sue the State.

The resolution was read second time and was adopted.

HOUSE CONCURRENT RESOLUTION 17 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, all necessary rules were suspended to take up for consideration at this time on its second reading:

H.C.R. 17, Granting Delta Electric Construction Company permission to sue the State.

The resolution was read second time and was adopted.

HOUSE CONCURRENT RESOLUTION 15 ON SECOND READING

On motion of Senator Price and by unanimous consent, all necessary rules were suspended to take up for consideration at this time on its second reading:

H.C.R. 15, Granting permission to Canyon Creek Properties to sue the State.

The resolution was read second time and was adopted.

HOUSE CONCURRENT RESOLUTION 11 ON SECOND READING

On motion of Senator Harris and by unanimous consent, all necessary rules were suspended to take up for consideration at this time on its second reading:

H.C.R. 11, Granting permission to Charles Edwards to sue the State.

The resolution was read second time and was adopted.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1

Senator Hance submitted the following Conference Committee Report:

Austin, Texas
August 2, 1978

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill No. 1 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HANCE
AIKIN
FARABEE
JONES OF TAYLOR
LOMBARDINO
On the part of the Senate

WYATT
ATKINSON
SCHLUETER
TEJEDA
DAVIS
On the part of the House

The Conference Committee Report was read and was adopted by the following vote: Yeas 28, Nays 0.

Absent-excused: Mauzy, Ogg, Santiesteban.

PROCLAMATION OF GOVERNOR

The President laid before the Senate the following Proclamation by the Governor:

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Under the provisions of Article IV, Section 8 of the Constitution of the State of Texas, I, Dolph Briscoe, Governor of the State of Texas, do hereby submit the following for consideration by the Second Called Session of the 65th Legislature, now convened, in addition to such items as have heretofore been submitted, to wit:

To consider legislation requiring common school districts and rural high school districts which do not support county school administration from ad valorem tax revenue as provided in Chapter 18 of the Texas Education Code to be reclassified as independent school districts;

To consider legislation validating the incorporation, establishment of boundaries, and other governmental acts and proceedings of municipalities originally incorporated under Chapter 11, Title 28, V.A.T.S., which incorporation subsequently became the subject of a district court lawsuit relating to the violation of another municipality's territory or extraterritorial jurisdiction, and which lawsuit

resulted in an agreed judgment upholding the incorporation and boundaries as incorporated;

To consider legislation relating to the compensation and expenses of the court reporter of the 31st Judicial District;

To consider and act on such other subjects and questions as the Governor may submit from time to time.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have heretofore signed my name officially and caused the Seal of State to be affixed hereto at Austin, this 3rd day of August, A.D., 1978.

/s/DOLPH BRISCOE
GOVERNOR OF TEXAS

ATTEST:

/s/STEVEN C. OAKS
SECRETARY OF STATE

The Proclamation was read and was filed with the Secretary of the Senate.

SENATE RULE 103 SUSPENDED

On motion of Senator Aikin and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider **H.J.R. 1.**

SENATE RULE 103 SUSPENDED

On motion of Senator Patman and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Education might consider **S.B. 20.**

SENATE RULE 103 SUSPENDED

On motion of Senator Farabee and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Education might consider **S.B. 19.**

SENATE RULE 103 SUSPENDED

On motion of Senator Jones of Harris and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Administration might consider **S.C.R. 15.**

RECESS

On motion of Senator Aikin the Senate at 11:19 o'clock a.m. took recess until 11:45 o'clock a.m. today.

AFTER RECESS

The Senate met and was called to order by the President at 11:45 o'clock a.m.

MESSAGE FROM THE HOUSE

House Chamber
August 3, 1978

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 16, Tribute to the devoted life of service of James Loyd Wilson.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator Patman, Vice-chairman, submitted the following report for the Committee on Education:

S.B. 20

S.B. 19

By unanimous consent, Senator Jones of Harris submitted the following report for the Committee on Administration:

S.C.R. 15

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolution:

H.C.R. 6

SENATE BILL ON FIRST READING

By unanimous consent, the following bill was introduced, read first time and referred to the Committee indicated:

S.B. 22 by Price Administration
Relating to the compensation and expenses of the court reporter of the 31st Judicial District; repealing Chapter 190, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 2326j-29, Vernon's Texas Civil Statutes).

MOTION TO PLACE SENATE BILL 20 ON SECOND READING

Senator Price asked unanimous consent to suspend all necessary rules to take up for consideration at this time:

S.B. 20, Relating to student center fees at West Texas State University; adding Section 102.34 to Chapter 102, Texas Education Code, as amended.

Senator Brooks raised the Point of Order that consideration of this bill was out of order because the subject matter of the bill has not been included in the Call of the Session by the Governor.

The President sustained the Point of Order.

SENATE CONCURRENT RESOLUTION 15 ON SECOND READING

On motion of Senator Schwartz and by unanimous consent, all necessary rules including Senate Rule 74 were suspended to take up for consideration at this time on its second reading:

S.C.R. 15, Granting Servall Mechanical Contractors, Incorporated permission to sue the State of Texas.

The resolution was read second time and was adopted.

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Aikin submitted the following report for the Committee on Finance:

C.S.H.J.R. 1 (Read first time)

COMMITTEE SUBSTITUTE HOUSE JOINT RESOLUTION 1 ON SECOND READING

On motion of Senator Aikin and by unanimous consent, all necessary rules including Senate Rule 74 were suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.J.R. 1, Proposing a constitutional amendment relating to ad valorem taxation of agricultural property, exemptions of certain property from taxation, and conditions for increases in total property tax revenues.

The resolution was read second time and was passed to third reading.

COMMITTEE SUBSTITUTE HOUSE JOINT RESOLUTION 1 ON THIRD READING

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.J.R. 1** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Mauzy, Ogg, Santiesteban.

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Mauzy, Ogg, Santiesteban.

RECESS

On motion of Senator Aikin the Senate at 12:01 o'clock p.m. took recess until 4:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 4:00 o'clock p.m. and was called to order by the President.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S.C.R. 7

S.C.R. 13

S.C.R. 16

RECESS

On motion of Senator Aikin the Senate at 4:01 o'clock p.m. took recess until 5:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 5:00 o'clock p.m. and was called to order by Senator Snelson.

RECESS

On motion of Senator Longoria the Senate at 5:01 o'clock p.m. took recess until 6:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 6:00 o'clock p.m. and was called to order by the President.

LEAVES OF ABSENCE

Senator Moore was granted leave of absence for the remainder of today on account of important business on motion of Senator Creighton.

Senator McKnight was granted leave of absence for the remainder of today on account of important business on motion of Senator Creighton.

Senator Schwartz was granted leave of absence for the remainder of today on account of important business on motion of Senator Jones of Harris.

Senator Braecklein was granted leave of absence for the remainder of today on account of important business on motion of Senator Harris.

Senator Doggett was granted leave of absence for the remainder of today on account of important business on motion of Senator Hance.

Senator Lombardino was granted leave of absence for the remainder of today on account of important business on motion of Senator Traeger.

SENATE CONCURRENT RESOLUTION 17

By unanimous consent, Senator Aikin offered the following resolution:

WHEREAS, House Joint Resolution 1 has been passed by the Senate and is now in the House, and there are certain corrections to be made therein; now, therefore, be it

RESOLVED, By the Senate of the State of Texas, the House of Representatives concurring, that the House is hereby respectfully requested to return House Joint Resolution Number 1 to the Senate for further consideration.

The resolution was read.

On motion of Senator Aikin and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE BILL 19 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, all necessary rules including Senate Rule 74 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 19, Relating to county school administration; amending Sections 17.94, 17.95, 17.99, 20.43(b), 23.01, 23.03, 23.06, 23.10, 23.11(c), 23.12(a), 23.61(a), 23.72, and 23.73(1), Texas Education Code, as amended; and repealing Sections 23.02 and 23.05, Texas Education Code, as amended.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Amend Senate Bill 19, Section 3 by adding after the word "Agency" on line 19 the following:

"unless requested not to do so by a resolution duly adopted by the board of trustees of such district,"

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 19 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 19 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 20, Nays 1, Paired Vote 1.

Yeas: Aikin, Andujar, Blake, Brooks, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Meier, Mengden, Parker, Price, Snelson, Traeger, Truan, Williams.

Nays: Patman.

Absent-excused: Braecklein, Doggett, Lombardino, McKnight, Moore, Ogg, Santiesteban, Schwartz.

PAIRED VOTE

Senator Clower (present), who would vote "Nay", with Senator Mauzy (absent), who would vote "Yea".

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 20, Nays 1, Paired Vote 1.

Yeas: Aikin, Andujar, Blake, Brooks, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Meier, Mengden, Parker, Price, Snelson, Traeger, Truan, Williams.

Nays: Patman.

Absent-excused: Braecklein, Doggett, Lombardino, McKnight, Moore, Ogg, Santiesteban, Schwartz.

PAIRED VOTE

Senator Clower (present), who would vote "Nay", with Senator Mauzy (absent), who would vote "Yea".

MESSAGE FROM THE HOUSE

House Chamber
August 3, 1978

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 8, Relating to the validation of the acts and proceedings of certain municipalities.

S.B. 13, Relating to transfer of the land, buildings, facilities, and other property of the Gatesville State School for Boys to the Texas Department of Corrections; making appropriations and providing for transfer of funds.

S.B. 17, Making an appropriation to pay for the cost of publication of notice of proposed constitutional amendments.

H.B. 36, A bill to be entitled An Act relating to the compensation and expenses of the court reporter of the 31st Judicial District; repealing Chapter 190, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 2326j-29, Vernon's Texas Civil Statutes).

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

MEMORIAL RESOLUTIONS

S.C.R. 16 - By Aikin: Memorial resolution for James Loyd Wilson.

S.R. 122 - By Snelson: Memorial resolution for David R. White.

S.R. 123 - By Snelson: Memorial resolution for Harold B. Eudaly.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 120 - By Doggett: Extending welcome to Reverend Walter Matthews.

S.R. 121 - By Lombardino: Extending congratulations to Miss Lydia Enriqueta Rodriguez.

S.R. 128 - By Clower: Extending congratulations to Mr. and Mrs. William D. Anthony.

ADJOURNMENT

On motion of Senator Aikin the Senate at 6:17 o'clock p.m. adjourned until 9:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

(August 3, 1978)

S.C.R. 2

S.C.R. 3

S.C.R. 5

S.C.R. 10

S.C.R. 12

SIXTEENTH DAY

(Friday, August 4, 1978)

The Senate met at 9:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Aikin, Andujar, Blake, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Parker, Patman, Price, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.